

Senate Bill No. 556

Passed the Senate August 29, 2014

Secretary of the Senate

Passed the Assembly August 25, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Title 18 (commencing with Section 3273) to Part 4 of Division 3 of the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, Padilla. Providers of health and safety labor or services: identification.

Existing law specifies the authority of agents in dealing with 3rd persons. The Consumers Legal Remedies Act prohibits unfair methods of competition and unfair or deceptive acts or practices undertaken by a person in a transaction intended to result or which results in the sale or lease of goods to any consumer, as defined, and authorizes specified remedies for a consumer who suffers damages as a result of the use of these methods, acts, or practices.

This bill would prohibit a person, firm, corporation, or association that is a nongovernmental entity and contracts to perform, on or after January 1, 2015, public health and safety labor or services for a public agency from displaying on a vehicle or uniform a logo, as defined, that reasonably could be interpreted as implying that the labor or services are being provided by employees of the public agency, unless the vehicle or uniform conspicuously displays specific disclosures. The bill would prohibit a public agency from requiring a person or employee of a nongovernmental entity providing public health and safety labor or services under contract with the public agency to wear a badge containing the logo of the public agency. The bill would also prohibit a nongovernmental entity providing public health and safety labor or services under contract with a public agency from requiring a person or its employee to wear a badge containing the logo of the public agency. This bill would define the term “public health and safety labor or services” to mean fire protection services, rescue services, emergency medical services, hazardous material emergency response services, and ambulance services. This bill would authorize that these provisions may be enforced by the Consumers Legal Remedies Act.

The people of the State of California do enact as follows:

SECTION 1. Title 18 (commencing with Section 3273) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 18. PROVIDERS OF HEALTH AND SAFETY LABOR
OR SERVICES

3273. (a) It is unlawful for a person, firm, corporation, or association that is a nongovernmental entity and contracts to perform public health and safety labor or services for a public agency to display on a vehicle a logo of the public agency that reasonably could be interpreted or construed as implying that the labor or services are being provided by employees of the public agency, unless the vehicle conspicuously displays a statement indicating that the contractor is the service provider, contractor, or other appropriate descriptor, such as “SERVICE PROVIDED BY:” or “CONTRACTED BY:”, immediately followed by all of the following:

(1) The logo and the name of the person, firm, corporation, or association that is the nongovernmental entity providing the public health and safety labor or services for the public agency.

(2) The state, or if outside of the United States, the country where the nongovernmental entity’s controlling person, firm, corporation, or association is legally incorporated, organized, or formed.

(b) It is unlawful for a person or an employee of a person, firm, corporation, or association that is a nongovernmental entity and contracts to perform public health and safety labor or services for a public agency to wear a uniform bearing a logo of the public agency that reasonably could be interpreted or construed as implying that the labor or services are being provided by employees of the public agency, unless the uniform conspicuously displays the logo and the name of the person, firm, corporation, or association that is the nongovernmental entity providing the labor or services for the public agency.

(c) The disclosures required pursuant to subdivisions (a) and (b) shall apply to all labor or services provided pursuant to a contract entered into on or after January 1, 2015.

(d) (1) It is unlawful for a public agency to require, through a contract with a person, firm, corporation, or association that is a nongovernmental entity providing public health and safety labor or services, a person or employee of the nongovernmental entity to wear a badge containing the logo of the public agency.

(2) It is unlawful for a person, firm, corporation, or association that is a nongovernmental entity contracting to perform public health and safety labor or services for a public agency to require a person or its employee to wear a badge containing the logo of the public agency.

(e) For the purposes of subdivision (b), an identifying mark affixed to a uniform as required by state or federal law, and a local agency regulating the activity of the person, firm, corporation, or association shall not be construed as implying that the labor or services are being provided by employees of the public agency.

(f) If a vehicle or uniform displays more than one logo referring to the public agency, then the required disclosure shall be placed near the largest logo referring to the public agency.

(g) The disclosure requirements in subdivisions (a) and (b) of this section shall not apply to uniforms or vehicles if the person, firm, corporation, or association that is the nongovernmental entity is providing the labor or services for a public agency under Article 3.3 (commencing with Section 2430) of Chapter 2 of Division 2 of the Vehicle Code.

(h) The disclosure requirements in subdivisions (a) and (b) shall not apply to a public agency vehicle utilized by the nongovernmental entity during a declared state or federal disaster, mass-casualty incident, or other incident that requires the use of state or federal resources when the public agency requires the use of the public agency vehicle.

(i) (1) Violations of this section shall be subject to the remedies provided in the Consumers Legal Remedies Act (Title 1.5 (commencing with Section 1750)).

(2) The duties, rights, and remedies provided in this section are in addition to any other duties, rights, and remedies provided by state law.

(j) For the purposes of this section, the following terms have the following meanings:

(1) “Conspicuously displays” means to display a disclosure on the exterior of a vehicle or uniform in the same location as the

logo of the public agency, placed prominently as compared with other words, statements, or designs displayed in connection with the logo of the public agency. With respect to a uniform, “in the same location” includes, but is not limited to, a location on the opposing shoulder, pocket, or similar opposing location relative to the location of the logo of the public agency.

(2) “Logo” means a symbol, graphic, seal, emblem, insignia, trade name, brand name, or picture identifying a person, firm, corporation, association, or public agency. “Logo” shall not mean the name of a public agency used alone.

(3) “Public agency” means a state entity, a city, county, city and county, special district, or other political subdivision of the state.

(4) “Public health and safety labor or services” means fire protection services, rescue services, emergency medical services, hazardous material emergency response services, and ambulance services.

Approved _____, 2014

Governor